

**ORDINANCE NO. 11-51**

ORDINANCE GRANTING A  
CONDITIONAL USE PERMIT (CUP) TO  
ALLOW THE EXPANSION OF AN  
EXISTING COLLEGE PURSUANT TO  
HIALEAH CODE §98-181(2)i., AND  
GRANTING A VARIANCE PERMIT TO  
ALLOW THE CONSTRUCTION OF A  
BUILDING WITH A TOTAL HEIGHT OF  
94 FEET, WHERE 70 FEET IS THE  
MAXIMUM HEIGHT ALLOWED,  
CONTRA TO HIALEAH CODE §98-1119,  
ON PROPERTY ZONED C-2 (LIBERAL  
RETAIL COMMERCIAL DISTRICT).  
**PROPERTY LOCATED AT 4425 WEST  
20 AVENUE, HIALEAH, FLORIDA.**  
REPEALING ALL ORDINANCES OR  
PARTS OF ORDINANCES IN CONFLICT  
HEREWITH; PROVIDING PENALTIES  
FOR VIOLATION HEREOF; PROVIDING  
FOR A SEVERABILITY CLAUSE; AND  
PROVIDING FOR AN EFFECTIVE  
DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of June 22, 2011,  
recommended approval of this ordinance in substantial form; and

**WHEREAS**, as a condition of use, Petitioner must install and maintain a  
landscaping screen (as proposed in its application) or other suitable screening material,  
covering the entire east side of the proposed garage, to obscure the view from the garage  
to the residential properties, in a continuous and uninterrupted manner, to protect the  
privacy of the residential neighbors.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY  
COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to  
this ordinance are hereby adopted and incorporated by reference as if fully set forth  
herein.

**Section 2:** The below-described property is hereby granted a conditional use  
permit (CUP) to allow the expansion of an existing college, pursuant to Hialeah Code

§98-181(2)i., and a variance permit to allow the construction of a building with a total height of 94 feet, where a maximum height of 70 feet is allowed, contra to Hialeah Code §98-1119, which provides in pertinent part: “In the C-2 liberal retail commercial district, the maximum height shall be the same as in the C-1 district”, which provides at Hialeah Code §98-1074 “*In general.* In the C-1 restricted retail commercial district, the maximum height shall be three stories or 40 feet to the cornice line or top of the parapet except that if a building frontage faces a frontage road, then the maximum height shall be six stories or 70 feet to the cornice line or top of parapet.”, on property zoned C-2 (Liberal Retail Commercial District). The property is located at 4425 West 20 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 1, 2, AND 3, IN BLOCK 1, OF ACAN  
SUBDIVISION, ACCORDING TO THE PLAT  
THEREOF, AS RECORDED IN PLAT BOOK 128, AT  
PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-  
DADE COUNTY, FLORIDA.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Additional Penalties upon Violation of Conditions of Use.**

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

**Section 6: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

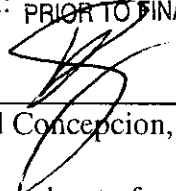
**Section 7: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 26th day of July, 2011.

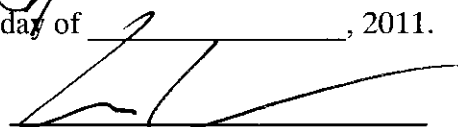
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Attest:

  
David Concepcion, Acting City Clerk

  
Luis Garcia-Martinez  
Council President

Approved on this \_\_\_\_ day of \_\_\_\_, 2011.

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

SALE\LEGISLATION\2011-ORDINANCES\4425\WEST20\AV15-CUP & height variance-IPZ.

Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Gareia-Martinez, Hernandez and Yedra voting "Yes", Councilmember Gonzalez absent.